

By: Nelson

S.B. No. 1734

A BILL TO BE ENTITLED

AN ACT

1
2 relating to providing Medicaid services to certain persons with
3 traumatic brain or spinal cord injuries.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

5 SECTION 1. Subchapter D, Chapter 117, Human Resources Code,
6 is amended by adding Section 117.075 to read as follows:

7 Sec. 117.075. MEDICAID SERVICES FOR CERTAIN PERSONS WITH
8 TRAUMATIC BRAIN OR SPINAL CORD INJURIES. (a) In this section,
9 "comprehensive rehabilitation services program" means the program
10 that provides services to persons with traumatic brain or spinal
11 cord injuries using money appropriated from the comprehensive
12 rehabilitation fund established under Section 111.060.

13 (b) The department shall determine whether services
14 provided under the comprehensive rehabilitation services program
15 could be provided in a more cost-effective manner through the
16 Medicaid program. In making that determination, the department
17 shall evaluate and compare the cost-effectiveness of each of the
18 following approaches to providing those services under the Medicaid
19 program:

20 (1) providing the services under a modification to a
21 previously authorized Section 1915(c) waiver program, as that term
22 is defined by Section 531.001, Government Code;

23 (2) providing the services under an amendment to the
24 state Medicaid plan; or

1 (3) providing the services under an additional Section
2 1915(c) waiver or an alternative home and community-based services
3 waiver under Section 6086 of the federal Deficit Reduction Act of
4 2005 (Pub. L. No. 109-171).

5 (c) In evaluating the cost-effectiveness of each approach
6 to providing Medicaid services under Subsection (b), the department
7 shall consider:

8 (1) the effect that implementing each approach would
9 have on the general revenue fund;

10 (2) the amount of additional federal matching funds
11 this state would receive as a result of implementing each approach;
12 and

13 (3) the maximum number of persons receiving services
14 under the comprehensive rehabilitation services program who would
15 be eligible under the federal income eligibility standards
16 applicable to each approach.

17 (d) The commission, the Department of Aging and Disability
18 Services, and the Texas Traumatic Brain Injury Advisory Council
19 shall assist the department as necessary in performing the
20 department's duties under Subsections (b) and (c).

21 (e) If the department determines that services provided
22 under the comprehensive rehabilitation services program could be
23 provided in a more cost-effective manner through the Medicaid
24 program, the department shall notify the commission and:

25 (1) the commission shall actively pursue federal
26 authorization to begin providing those services through the
27 approach the department determines would be most cost-effective;

1 and

2 (2) the executive commissioner shall establish
3 Medicaid eligibility criteria, including income limits, for the
4 receipt of those services through the Medicaid program as necessary
5 to maintain cost-effectiveness for this state and maximize federal
6 matching funds this state will receive.

7 (f) The commission, subject to receipt of any necessary
8 federal authorization, shall:

9 (1) ensure that services the department determines
10 could be provided more cost-effectively under the Medicaid program
11 are provided under that program to eligible persons and that
12 persons who are ineligible for that program continue to receive
13 services under the comprehensive rehabilitation services program;

14 (2) ensure that persons receiving services under the
15 Medicaid program also receive under the comprehensive
16 rehabilitation services program any service provided under that
17 program that is not covered under the Medicaid program; and

18 (3) designate and direct the department to:

19 (A) implement the program to provide the
20 services, if the department determines that an approach described
21 by Subsection (b)(2) or (3) is most cost-effective; and

22 (B) continue to coordinate the provision of
23 services to all persons with traumatic brain and spinal cord
24 injuries, regardless of whether the services are provided under the
25 Medicaid program or the comprehensive rehabilitation services
26 program.

27 SECTION 2. Not later than November 1, 2007, the Department

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1 of Assistive and Rehabilitative Services shall submit a report to
2 the governor and the Legislative Budget Board detailing the results
3 of the department's determinations and actions taken under Section
4 117.075, Human Resources Code, as added by this Act.

5 SECTION 3. This Act takes effect September 1, 2007.